

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:
Alan Pastornyicky v.
Higher Education Student Assistance Authority

Case No.: 11-27957(RTL)

Adv. No.:

Hearing Date:

Judge: RTL

**COMPLAINT TO DETERMINE THE
DISCHARGEABILITY OF DEBTS PURSUANT TO 11 USC 523 (a)(8)(B)**

Preliminary Statement

This is a complaint to determine the dischargeability of the debts owed by the debtor to the defendants, on the grounds that repayment of these debts would constitute an undue hardship to the debtor and his dependents, pursuant to 11 USC 523 (a)(8)(B).

Jurisdiction and Venue

- 1) This court has jurisdiction over this adversary proceeding pursuant to 28 USC 1334 and 157 in that the action arises in and relates to the bankruptcy case, In re Pastornyicki, Case # 11-29957.
- 2) This is a core proceeding under 28 USC 157(b)(2)(I).
- 3) Venue is proper under 28 USC 1409 (a)

- 4) The Plaintiff, Alan Pastornyicki, is an individual residing in Sayreville, New Jersey.
- 5) Higher Education Student Assistance Authority is an entity located at PO Box 548, Trenton, New Jersey, 08625.

Statement of Facts

- 6) The Higher Education Student Assistance Authority is the servicer for the New Jersey state student loan program.
- 7) Plaintiff is 58 years old and completed 2 years of college in 1974.
- 8) Plaintiffs last employment was as a maintenance worker for Wacker Industries in 2009. His only source of income since that time has been unemployment (now terminated) and assistance from family.
- 9) The loans at issue were co-signed by the Plaintiff for his two adult children. One to attend Montclair State Program and the other to attend Katherine Gibbs School. The last loan was taken out in 2002.
- 10) The balance claimed on the loans is \$18,910.32.
- 11) The debtor has no current or anticipated income available or other resources with which to pay the loan and any payments on the loan could only be made at great hardship to the debtor.
- 12) For the foreseeable future, any payment on the loan will constitute a great hardship to the debtor.
- 13) The debtor has made good faith efforts to pay the loan, by contacting the creditor to make payment plans, filing the instant chapter 13 in which the creditor is the only allowed claim.

- Wherefore, the debtor prays that this court:
- a) Enter and order declaring the student loan debt of the debtor to be dischargeable
 - b) grant such other relief as may be just and proper

Date: 1/18/12

By: Edward Hanratty
Attorney for the Debtor